

Amusement Games Regulations

SUBCHAPTER 1. ISSUANCE OF LICENSES BY MUNICIPAL GOVERNING BODIES

13:3-1.1 Definitions: Location of games

(a) The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Arcade" means a place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded.

"Recognized amusement park" means a commercially operated permanent business, open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements incorporating rides or water slides licensed in accordance with N.J.S.A. 5:3-31, et seq., and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a license issued prior to (the effective date of this amendment).

"Resort" means a place providing recreation and entertainment especially to visitors.

"Seashore resort" means a "resort" as defined in this subsection that borders tidal waters.

(b) No amusement games license shall be issued in any municipality unless:

1. Such municipality has authorized the licensing of amusement games by referendum in the 1959 general election or subsequent referendum pursuant to P.L. 1959, c.109; and
2. The premises to be licensed are situated at:

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- i. A recognized amusement park; or
- ii. A seashore or other resort but only in that part thereof customarily constituting an amusement or entertainment area according to the customary understanding of these terms in the community; or
- iii. A place where an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture holds an agricultural fair and exhibition.

13:3-1.2 License restrictions

(a) No license shall be issued to authorize the operation and conduct of any amusement game unless the game is:

- 1. Played for amusement or entertainment;
- 2. One in which the person or player actively participates;
- 3. One in which the outcome is not in the control of the operator; and
- 4. One which is so conducted that when and where all of the players are present there occurs in continuous sequence:
 - i. The sale of a right to participate;
 - ii. The event which determines whether a player wins or loses; and
 - iii. The award of a merchandise prize or tokens or tickets which may be accumulated or immediately redeemable for a merchandise prize.

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13:3-1.3 Bingo or raffles

No license shall be issued under the Amusement Games Licensing Law (P.L. 1959, c.109) to authorize the holding, operation or conduct of any bingo game nor for any draw raffle.

13:3-1.4 Certification requirements

No license shall be issued to authorize the holding, operation or conduct of any game not certified as permissible by the Legalized Games of Chance Control Commission pursuant to N.J.A.C. 13:3-7, Certification, and any license issued with respect to any certified game shall authorize it to be held, operated and conducted only with the limitations and restrictions of its certification.

13:3-1.5 Requisites for municipal license

(a) No license shall be issued in any municipality unless and until an ordinance shall have been adopted by the municipal governing body:

1. Declaring that a recognized amusement park exists in the municipality or that the municipality is a seashore or other resort containing an amusement or entertainment area according to the customary understanding of such terms in the municipality or that the municipality contains a place where an agricultural fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture;
2. Fixing an annual fee or fees, not subject to proration, for licenses to be issued in such amount or amounts as may be determined upon consideration of such factors as the

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number of days or period upon or during which the licensee shall be authorized to operate or conduct the games, the number of units employed therein, the number of places, the number of specific kinds of games to be conducted and the number of persons who may become players of the game at any one time, but in no case shall such fee be less than \$ 10.00 for any one license for a period of one year or for a lesser term except as to agricultural fairs and exhibitions where, in any one year, the fair and exhibition is held for a period not in excess of 30 days the fee for the municipal license shall be \$ 5.00 or less for any one license.

13:3-1.6 Restrictions on hours for amusement games

No license shall be issued to authorize the conduct of amusement games during hours or on days prohibited by municipal ordinance.

13:3-1.7 Premises with alcoholic beverage license

No amusement game license shall be issued for any premises which holds an alcoholic beverage license.

13:3-1.8 Separate license required for each game and premises

A separate license shall be issued for each specific kind of game authorized to be held, operated and conducted on the licensed premises by the licensee, and a separate license shall be issued for each place at which the licensee is authorized to hold, operate and conduct such game, except

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that a single license may be issued for all games classified under Certification No. 2 pursuant to N.J.A.C. 13:3-7.9(a)2 and operated in an arcade at a single location.

13:3-1.9 License term; investigation fees

(a) All licenses shall be issued on a calendar-year basis, with a maximum term from January 1 to December 31 of the year within which the license is to be operative, or for such shorter term within the year as may be fixed by law, ordinance or resolution.

(b) In any event, the full annual fee as fixed by ordinance shall be payable without proration and shall accompany the license application.

(c) In the event of denial or withdrawal of the application, or in the event of denial or withdrawal of application for State license filed with the Commission pursuant to N.J.A.C. 13:3-2, Issuance of Licenses, the full fee up to \$ 10.00 or 25 percent of the fee, whichever shall be the greater, shall be retained by the municipality as and for an investigation fee, and the remainder of the fee, if any, shall be refunded to the applicant.

13:3-1.10 Application form and license certificate

(a) Each application for license shall be submitted in duplicate in form prescribed by the Commission. The application requests information which includes the following: name and address of the applicant, type and location of the game, and identification of the business form.

(b) The original shall be retained by the municipal governing body and, in the event the application is granted, the copy shall be transmitted forthwith to the Commission.

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13:3-1.11 Fingerprinting

- (a) Each individual applicant, the officers, directors, and stockholders (including the officers, directors and stockholders of any corporation holding five percent or more of the capital stock) of any corporate applicant, as well as the partners or members as the case may be, of any partnership, association, or organization applicant, upon filing of an initial application or any employee of an applicant, may, if so required by the Commission or municipal governing body issuing a license, be fingerprinted under the supervision of the municipal chief of police.
- (b) The fingerprint records so obtained shall be marked "Applicant" and shall be submitted to the Federal Bureau of Investigation and the New Jersey State Police Bureau of Identification and upon receipt of returns from such Bureaus, the chief of police shall make report thereof to the municipal governing body, together with report of any other arrest or conviction record which may be obtained from other sources.
- (c) Failure or refusal of any of the above-designated persons to submit to fingerprinting shall be deemed cause for denial of the application.
- (d) Any fees for fingerprinting or any other investigations shall be paid for by the applicant.

13:3-1.12 Qualification of applicant; conviction of crime

No license shall be issued to any applicant if any of the persons required by N.J.A.C. 13:3-1.11 to be fingerprinted in connection with the application are not of good moral character or have ever been convicted of a crime unless the disqualification resulting from such conviction has been removed by the Commission pursuant to P.L. 1962, c.200.

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13:3-1.13 Municipal resolution to authorize licenses

(a) No license shall be issued in any municipality unless and until the issuance thereof has been authorized by a resolution duly adopted by the municipal governing body which resolution shall, among other things, specifically recite:

1. That the premises to be licensed are located in a recognized amusement park in the municipality; or
2. That the municipality is a seashore or other resort and that the premises to be licensed are located in an amusement or entertainment area in such resort according to the customary understanding of such terms in the municipality; or
3. That the municipality contains a place where an agricultural fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture.

(b) A certified copy of each such resolution, together with a copy of the application endorsed to show the granting of a municipal license, shall be transmitted to the Commission by the municipal governing body within three business days of the municipal license being granted.

13:3-1.14 License certificate contents

(a) Each license certificate shall indicate:

1. The name of the licensee;
2. The address of the licensed premises;
3. The name and detailed description of the kind of game licensed;
4. The amount of fee paid;

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5. A statement of the dates and the hours between which such game may be conducted;
and
6. Such other information as may be required on a form prescribed by the Commission.

13:3-1.15 Disposition of license certificate

- (a) After municipal approval and the Commission's approval, the license certificate shall be prepared in quadruplicate.
- (b) The original shall be delivered to the licensee.
- (c) One of the copies shall be delivered to the municipality to be made part of its licensing records.
- (d) The remaining two copies shall be retained by the Commission.

13:3-1.16 Amendment to license; notice

- (a) Any license may be amended, upon application to the municipal governing body, a copy of which application must be submitted to the Commission, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon payment of such additional license fee, if any, as would have been payable.
- (b) Notice of any such amendment shall be certified to the Commission by the municipal governing body within three days, along with a \$ 25.00 amendment fee, payable by the licensee to the Commission.
- (c) No licensee who has applied for an amended license shall operate a game other than that

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which has been originally licensed by the Commission until an amended license certificate has been issued by the Commission and posted in accordance with N.J.A.C. 13:3-3.1.

13:3-1.17 Devolution of license upon death, bankruptcy, receivership or incompetency of licensee

(a) In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, application for extension of the license for a limited time, not exceeding its term, shall be made promptly by the executor, administrator, trustee, receiver or other person upon whom operation of the business covered by the license shall have devolved by operation of the law.

(b) Application for such extension shall be made in the form of a petition addressed to and acted upon by the municipal governing body.

(c) If the petition for extension is granted, the license certificate shall be appropriately endorsed by the municipal governing body, without fee, and a report of the extension shall be made to the Commission by the municipal governing body within 10 days.

13:3-1.18 Reporting change in application information

(a) Whenever any change, including, but not limited to, a change of seasonal or permanent address, occurs in the information as set forth in any license application, the licensee shall file with the Commission and the municipal governing body a notice in writing of such change within 10 days of such change in information.

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(b) This section does not apply to proposed changes in the type or location of a licensed game, which shall be made pursuant to N.J.A.C. 13:3-1.16.

13:3-1.19 Agriculture Department approval of agricultural fair license

No license shall be issued in any municipality for a place where an agricultural fair and exhibition is held unless and until a photostatic or other copy of the certificate of the State Department of Agriculture has been submitted to the municipality evidencing that the fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions and is approved by the Department for participation in any or all State-sponsored programs relative to the promotion of agriculture and the advancement of agricultural interests in New Jersey. A second copy of the certificate shall be transmitted to the Commission. A State license may be issued for a place where the agricultural fair and exhibition is to be held.

SUBCHAPTER 2. ISSUANCE OF LICENSES BY COMMISSION

13:3-2.1 Need for municipal license

No municipal approval of a license shall become operative unless and until the licensee shall have been issued the State license certificate by the Legalized Games of Chance Control Commission.

13:3-2.2 License fees

Application for a State license shall be made upon a form prescribed and furnished by the

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Commission, accompanied by the requisite fee in money order or certified check drawn to the order of the Legalized Games of Chance Control Commission in such amount as is prescribed by N.J.S.A. 5:8-102 for games at an amusement park or seashore resort, or other resort, or by N.J.S.A. 5:8-125 for games at an agricultural fair and exhibition.

13:3-2.3 Separate application and fee for specific games and separate premises

A separate application shall be made, and separate fee paid, for each specific kind of game to be authorized to be held, operated and conducted by the applicant pursuant to municipal and State license and for each place at which the applicant seeks authorization to hold, operate and conduct such game or games, except that a single license may be issued for all games classified under Certification No. 2 pursuant to N.J.A.C. 13:3-7.9(a)2 and operated in an arcade at a single location.

13:3-2.4 Duration of license; prorating fees

(a) All State licenses shall be issued on a calendar year basis with a maximum term from January 1 to December 31 of the year within which the license is to be operative, or for such shorter term within the year as may be fixed by the Commission to accord with the municipal license.

(b) In any event, the full annual fee, where required, for each license shall be payable without proration.

(c) In the event of denial or withdrawal, the Commission shall retain as and for an investigation fee, from the fee submitted with each application denied or withdrawn, the sum of \$ 10.00 and the remaining sum paid, if any, shall be refunded to the applicant.

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13:3-2.5 (Reserved)

13:3-2.6 Cancellation of license

Any State license issued by the Commission may be cancelled in the event that after its issuance it appears that the municipal license rendered operative thereby has been issued in violation of any provision of the Amusement Games Control Law (P.L. 1959, c.108) or the Amusement Games Licensing Law (P.L. 1959, c.109) or any of the rules and regulations promulgated by the Commission.

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

13:3-3.1 Conspicuous display of license

- (a) No licensee shall hold, operate, conduct or allow any amusement game on the licensed premises unless a current, original, license certificate is conspicuously posted.
- (b) The license certificate shall be maintained in a manner so that it may be easily read.
- (c) The license certificate shall be presented upon request without delay or interference to:
 - 1. An authorized representative of the licensing municipality;
 - 2. Commission member or a Commission representative; or
 - 3. A member of the general public.
- (d) The person requesting the license certificate shall be afforded the opportunity to review and record any and all information on the license certificate.

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(e) A photocopy or other reproduction of the license certificate shall not be acceptable for purposes of compliance with this section. The original license certificate shall not be photocopied or reproduced.

13:3-3.2 Method of operating licensed games

(a) No licensee shall hold, operate or conduct any licensed game which is inconsistent with the requirements, limitations and restrictions contained in the Permissible Amusement Games Certification Number in N.J.A.C. 13:3-7, Certification of Permissible Games, under which the license has been issued.

(b) No licensee shall hold, operate or conduct any licensed game where the outcome of the game is controllable or may be influenced in any way by the operator by any arrangement, installation, plan or scheme, or by electrical, electronic, sonic, mechanical or other device, or allow, permit or suffer any such arrangement, installation or device on the license premises.

13:3-3.3 Hours and days license in effect

No licensee shall hold, operate or conduct or allow, permit or suffer the holding, operation or conduct of any amusement game on the licensed premises during hours or on days prohibited by municipal ordinance or during hours or on days not authorized by the license as indicated on the license certificate.

13:3-3.4 Maximum fee for participation in game

(a) No licensee shall charge or accept, directly or indirectly, more than \$ 10.00 from any one

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player for an opportunity to participate in any one amusement game.

(b) All prizes, or tickets or tokens redeemable for a prize, awarded in a game shall be awarded immediately upon completion of the game and before making or accepting a charge for participation in any subsequent game.

(c) No charge may be made or accepted for participation in a game in excess of the posted charge for the opportunity to participate in the game. Nothing in this section shall be construed to prohibit a licensee from offering a discounted entry fee for multiple opportunities to participate in a single game not in excess of \$ 10.00.

(d) Upon receipt of currency greater than the charge to play a game, the licensee shall immediately remit the appropriate change to the player.

13:3-3.5 Types of prizes permitted; value of prize

(a) No licensee shall offer or give, directly or indirectly, any prize in any single amusement game except merchandise other than alcoholic beverages; drug or narcotic paraphernalia; obscene or indecent recordings, printings, writing, pictures or other matter; or weapons as defined in N.J.S.A. 2C:39-1r.

(b) The retail value of such merchandise prize or prizes to be offered or awarded in any game or for an accumulation of wins from a series of games or plays shall not exceed an average retail value of \$ 10,000.

1. There shall be no limit on the time within which tokens or tickets must be redeemed in any arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, or in any "Skilo" and "Fascination" parlor licensed pursuant to N.J.A.C. 13:3-7.9(a)4 under

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Certification No. 4.

2. The transfer of any arcade or parlor license in N.J.A.C. 13:3-7.9(a) 2 or (a)4 under Certification Nos. 2 or 4 ("Skilo" or "Fascination" only) shall specifically provide that all tickets and tokens awarded by the transferor shall be honored by the transferee.

(c) All winners shall be determined and all prizes or tickets or tokens that may be accumulated for a prize shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game or play.

(d) Where games licensed and certified pursuant to N.J.A.C. 13:3-7.9(a)1, 3, 5, 6, 7, 8 or 9 are operated in conjunction with an arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, such arcade may also award as prizes tickets redeemable toward merchandise prizes available in the arcade, provided that the value of any single prize ticket shall not permit redemption for a prize valued in excess of an average retail value of \$ 10,000. Such tickets may be combined with tickets or tokens awarded in the arcade for redemption purposes.

13:3-3.6 Determination of value of prizes

(a) No licensee shall offer, award or display any prize in the licensed premises which prize's retail value is in excess of the limits established in N.J.A.C. 13:3-3.5(b).

(b) For the purpose of this subchapter, the "average retail value" of the merchandise awarded as prizes shall be based on the manufacturer's suggested retail price or commonly advertised price.

13:3-3.7 Redemption of prize or cash

(a) No licensee shall redeem for money or for the playing of any additional game, any prize,

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ticket or token or allow, permit or participate in such redemption.

(b) Notwithstanding (a) above, a licensee may, at the conclusion of the game and at the player's option, award an additional game as a prize when operating an amusement game certified pursuant to N.J.A.C. 13:3-7.9(a)2.

13:3-3.8 Deceptive, fraudulent or misleading advertising or practice; conduct of games

(a) No licensee shall allow or engage in any deceptive, misleading or fraudulent advertising or practice in connection with the holding, operating or conducting of any licensed game.

(b) All games, including free, sample or tryout games, must be conducted in their original certified form. No licensee or operator shall demonstrate any game from any position other than the position from which the player will participate.

(c) Licensees shall display all prizes that are available to be won and all prizes that are displayed shall be available to be won. All requirements which a player must meet in order to win such prizes shall be clearly posted. If multiple wins are required for a prize, such requirements shall also be clearly posted.

13:3-3.9 Employees qualification

(a) No licensee shall employ in any capacity on the licensed premises any person who would fail to qualify as a licensee by reason of conviction of a crime or otherwise.

(b) The licensee may require employees to complete an application or affidavit certifying the employee's eligibility for employment under the terms of this section.

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13:3-3.10 Fingerprinting employees

No licensee shall employ or have connected with him in any business capacity whatsoever any adult person who refuses to submit himself or herself for fingerprinting when required to do so by any agent of the municipal governing body concerned or the Commission.

13:3-3.11 Interest held in business by person other than licensee

No licensee shall allow any person other than the licensee to exercise or attempt to exercise, or hold himself or herself out as authorized to exercise, the rights and privileges of the license issued to the licensee, or allow any person other than the licensee to share in the profits of the licensed business except by way of *bona fide* rental agreements with landlords, *bona fide* commission or bonus agreements with operating personnel, first approved by the Commission.

13:3-3.12 Law enforcement officers holding business interest

No license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations governing amusement games, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly, nor shall any licensee employ or have connected with him in any business capacity whatsoever any such officer or person.

13:3-3.13 Hindering inspection or investigation

No licensee or employee, agent or representative shall, directly or indirectly, hinder or delay or

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cause the hindrance or delay of any investigation by the Commission or the municipal governing body or its agents, or fail to facilitate such inspection or investigation in anyway whatsoever.

13:3-3.14 Requirement for license

No licensee shall hold, operate or conduct on the licensed premises any unlicensed game required to be licensed pursuant to the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations.

13:3-3.15 Gambling on licensed premises

No licensee shall allow on the licensed premises any playing for money or other valuable thing at any game other than that permitted by the license issued pursuant to the application and description of the game for that licensed premises, and in no event shall any prize be conditioned in any way upon any occurrence at or upon the outcome of any athletic, sporting game or contest or lottery.

13:3-3.16 Licensee responsible for acts of employees

(a) In any disciplinary proceedings to suspend or revoke any amusement games license, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee.

(b) The fact that the licensee did not participate in the violation or that his agent, representative or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence, shall constitute no defense to the charges preferred in such

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disciplinary proceedings.

13:3-3.17 Required signs

- (a) Rules and instructions for the game shall be clearly and conspicuously posted on a sign entitled "Rules." Minimum size for rule signs is 8 1/2 inches by 11 inches with readable letters at least one-half inch high. The color of the print and background material shall be contrasting.
- (b) The price to play shall be clearly posted and visible from all player positions. If the price to play is not on the rules sign, it shall be on a sign with the minimum dimensions of five inches by five inches, with the color of the print and background material contrasting.

SUBCHAPTER 4. SUBMISSION OF REPORTS BY LICENSEES

13:3-4.1 Books of account, entries; inspection

Every licensee shall keep a true book or books of account in which the licensee shall enter all moneys received and the specific source of such receipts, all moneys expended from such receipts, and the name of the person receiving such expenditures, and the purpose for which such expenditures were made. All books and records pertaining to such receipts or expenditures shall be made available for inspection by the Legalized Games of Chance Control Commission and the municipal governing body and their agents.

13:3-4.2 Invoices of cost of prizes retained

Every licensee shall retain for a period of one year from the date thereof, all delivery slips,

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invoices, manifests, waybills or similar documents received from suppliers of merchandise to be awarded as prizes. These records shall be readily available for inspection by agents of the Commission.

13:3-4.3 Report of conduct of game by licensee

(a) Every licensee shall, not later than the 15th day of May, file with the Commission a report of the conduct of games for the previous license year or period, in a form prescribed by the Commission.

(b) Such reports shall contain information relating to type of games, number of days game operated, income, prizes and operating expenses, and shall be fully and truthfully completed, without fraud, misrepresentations, false or misleading statements, or evasion or suppression of any fact.

13:3-4.4 Reports confidential

Reports required to be submitted, and the information contained therein, shall not be disclosed by the Commission except so far as may be necessary for the purpose of carrying out the provisions of the Amusement Games Control Law (P.L. 1959 c.108) and the Amusement Games Licensing Law (P.L. 1959 c.109).

13:3-4.5 Failure to file report; incomplete report; false report

Failure or refusal by any licensee to make timely filing of any report required by this subchapter, or the filing of any report either incomplete or false in fact, shall constitute cause for suspension

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or revocation of license or bar to future license.

SUBCHAPTER 5. DISCIPLINARY PROCEEDINGS

13:3-5.1 Five-day notice prior to hearing; violation specified

(a) No license shall be suspended or revoked until a five-day notice of the alleged violation against the licensee shall have been given to him personally or by mailing the same by certified mail addressed to him at the licensed premises or at the address listed on the application for licensure and a reasonable opportunity to be heard thereon afforded to the licensee.

(b) If brought by the Legalized Games of Chance Control Commission, such charges shall be signed in the name of the Commission or, if brought by a municipal governing body, such charges shall be signed in the name of such governing body and shall specify the section of the law or the rule and regulation alleged to have been violated and the time and place fixed for the hearing.

13:3-5.2 Uncontested disciplinary proceedings

(a) At any time prior to two days before the date fixed for hearing, the licensee may enter a written plea of guilty or non vult to the charges and, thereafter, no hearing shall be held therein.

(b) Where a written plea of guilty or non vult is received, written argument as to penalty may be submitted to the Commission or to the municipal governing body, as the case may be, simultaneously with the entry of the plea.

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13:3-5.3 Conduct of hearing

Hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:3-5.4 Commission's decision changing penalty

The Commission may adopt, modify or reject the initial decision; provided, however, that the Commission shall not increase any recommended penalty or change a recommended finding of not guilty without first affording the licensee an opportunity to present oral argument before the Commission.

13:3-5.5 Transmittal of charges and result to Commission

When charges have been preferred against a licensee by the governing body of any municipality, such governing body shall transmit to the Commission forthwith a copy of such charges and, when the charges have been finally adjudicated, a copy of the Resolution and Order shall be promptly transmitted to the Commission.

13:3-5.6 Proceeding not barred by license expiration

Disciplinary proceedings shall not be barred or abated by the expiration or extension of the license.

13:3-5.7 Results of proceeding affects subsequent license

Any license may be denied, suspended or revoked, and any licensee may be subject to civil

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penalties for proper cause, notwithstanding that such cause arose prior to the extension of the license or during the term of a prior license held by the licensee.

13:3-5.8 Conditions for penalty carryover

(a) Where disciplinary proceedings are instituted and the license is extended or expires during the pendency, such proceedings shall be carried through to completion and any order of suspension or revocation shall apply without further proceedings to the extended license or to any new license issued to:

1. The licensee; or
2. Any partnership of which he is a partner; or
3. Any corporation of which such individual licensee is an officer, director or stockholder; or
4. Any individual who was an officer, director or stockholder of a corporation against which such a proceeding is pending.

13:3-5.9 Hearings; Conclusions or Resolutions and Order

(a) After the hearing or upon receipt of a guilty or non vult plea upon charges by the governing body of the municipality, the governing body shall make a written determination of the licensee's guilt or innocence which shall be in the form of a Resolution and Order. The Resolution and Order shall set forth the final determination of guilt or innocence, designate the effective date of any suspension or revocation and, in the case of suspension, the term of the suspension and any conditions deemed appropriate. A copy of the Resolution and Order shall be served upon the

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licensee personally or by mailing by certified mail addressed to the licensee at the licensed premises or at the address listed on the application for licensure.

(b) In contested cases, the Commission's decision shall be issued pursuant to the Administrative Procedure Act. A copy of the decision shall be served upon the licensee personally or by mailing by certified mail addressed to the licensee at the licensed premises or at the address listed on the application for licensure.

SUBCHAPTER 6. APPEALS

13:3-6.1 Method of appeal to Commission

(a) All appeals to the Legalized Games of Chance Control Commission from any refusal to issue a license or any suspension or revocation of a license by a municipal governing body shall be taken by filing with the municipal governing body a written notice of appeal, accompanied by a petition of appeal, within 30 days after the determination or action appealed from.

(b) The notice of appeal and the petition of appeal shall be entitled in the name of the licensee as appellant and the name of the municipal governing body as respondent.

(c) The petition of appeal shall set forth the subject matter of the appeal, the action of the municipal governing body, the relief sought and the grounds therefor.

(d) The appellant shall file with the Commission forthwith a true copy of the notice of appeal and a true copy of the petition of appeal, together with an acknowledgment or affidavit of service of the originals upon respondent.

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13:3-6.2 Respondent's reply to appeal

- (a) Within five days after service of the notice and petition of appeal, the respondent shall file an answer with the Commission and mail a copy of the answer to appellant or his attorney.
- (b) The answer shall include a statement of the grounds for respondent's action.

13:3-6.3 Stay of penalty

An appeal from a suspension or revocation shall automatically act as a stay of said suspension or revocation pending final determination of the appeal, unless the Commission shall otherwise order in writing.

13:3-6.4 Appeals

- (a) Appeals shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.
- (b) All appeals shall be heard de novo but the burden of establishing that the action of the respondent was erroneous and should be reversed shall rest with the appellant.

13:3-6.5 Commission's decision

- (a) The decision of the Commission shall be issued pursuant to the Administrative Procedure Act.
- (b) A copy of the opinion shall be mailed to the parties or their attorneys.

13:3-6.6 Stay or extension subject to outcome of appeal

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When appeal is taken in any matter, any extension, pursuant to N.J.A.C. 13:3-1.17 (Devolution of license) of any license involved therein shall be subject to the ultimate outcome of such appeal, unless otherwise ordered by the Commission for proper cause.

SUBCHAPTER 7. CERTIFICATION OF PERMISSIBLE GAMES BY COMMISSION

13:3-7.1 Certification of kinds of games

- (a) The Legalized Games of Chance Control Commission shall grant certifications of permissibility of any amusement games which may be played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, tickets or token, all occur as a continuous sequence at the time and place where the player or players are all present.
- (b) Such certifications shall be effective generally as to all licenses issued and to be issued with respect to the specific kind of game which is the subject of the certification unless otherwise restricted.

13:3-7.2 Application for certification; contents; fees

- (a) Applications for certification with respect to any game not already the subject of certification may be made to the Commission and shall set forth the following information:
1. The name of the game;
 2. Its type or kind;

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3. Description of equipment used in its play, including photographs, sketches and diagrams thereof, if necessary or if required by the Commission;
4. Method and rules of play;
5. Method of determination of winner or winners;
6. Number of players who may participate;
7. Length of play of each game;
8. Extent of player participation;
9. Whether the game is controllable by the operator; and
10. Such other information as will facilitate determination of the application.

(b) Every application for certification shall be accompanied by a nonrefundable fee of \$ 100.00 payable to the Legalized Games of Chance Control Commission.

13:3-7.3 Right to restrict specific terms of certification

Any certification of permissibility may restrict the number of places or the number of specific kinds of games which may be held, operated or conducted by any one licensee, directly or indirectly, and by the imposition of such other controls as the Commission shall deem suitable and proper.

13:3-7.4 Amendments of certifications

Certifications of permissibility may be granted by the Commission in terms applicable to more than one of certain named or described games, all of which are similar in specific kind, and such certifications may be amended from time to time to include additional games differently named

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or described, but similar in specific kind to those previously certified.

13:3-7.5 Numbering of certifications

Each certification of permissibility granted by the Commission shall bear a serial number, which number shall be included in the description of the game to be licensed in the application for license and the license certificate to be issued in connection therewith.

13:3-7.6 Cancellation of certification

(a) Any certification of permissibility may be cancelled and vacated or modified by the Commission in its sound discretion at any time, either specifically as to a particular license or licenses, or generally as to all licenses issued on the basis of the particular certification, whereupon such licenses as may be affected, shall, 30 days after the cancellation and vacation, no longer authorize the holding, operation or conduct of the game which was the subject of the certification, or shall authorize the holding, operating and conduct of the game only in such manner as accords with the modified certification in the event of its modification.

(b) Before any cancellation and vacation of a certification shall occur, any licensee operating a game under such certification shall be given notice and afforded a reasonable opportunity to be heard by the Commission.

13:3-7.7 Furnishing certifications to governing bodies

The Commission shall furnish to each municipal governing body authorized to issue amusement games licenses a copy of every certification of permissibility granted by the Commission,

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together with a copy of all amendments, modifications and supplements and any cancellations or vacations of such certifications.

13:3-7.8 Games authorized only in respect to particular certification

Any license issued to authorize the holding, operation and conduct of any kind of amusement game shall be deemed to authorize such holding, operation and conduct only in the manner and to the extent certified as permissible by the certification of permissibility granted with respect to such game.

13:3-7.9 Permissible amusement games certifications

(a) Pursuant to P.L. 1959, c.108 and this subchapter there is hereby granted certification of permissibility for licensing of the following amusement games:

1. Certification No. 1. Throw games wherein a single player upon payment of fee is furnished a number of balls, hoops, darts or other objects, or uses his own coins to be handthrown, rolled or propelled at, into, or upon targets, with prizes awarded according to results achieved, generally known as a Basketball game, Dart game, Coin Pitch game, Roll Down game, Bushel Basket Ball Toss game and such similar games:

- i. Only one of the above games may be licensed under one license.
- ii. There is no restriction on the number of units that may comprise the game.

2. Certification No. 2. Arcade games wherein a single player upon payment of fee is permitted to play a machine or device to obtain a prize or attain to score upon the basis of which a prize is awarded, generally known as a Crane machine, Skee-ball, Wacky Gator,

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Rotary Merchandiser, Silver Ski's Coin Pusher, Hoop Shoot and such similar games, including electronic games, as may from time to time be certified pursuant to this subchapter.

- i. There is no restriction on the number of machines or devices that may be installed or available under one arcade license.
- ii. If any machine or device has more than one player position, each player position shall be considered a separate machine or device in calculating the State license fee.

3. Certification No. 3. Games wherein a single player upon payment of fee is permitted to make a blind selection of one object from a number of objects, the object selected being the prize won or indicating the prize won, generally known as Duck Pond Game, Fish Pond Game, Grab-bag Game and Pick-the-Stick Game, and such similar games as may from time to time be certified pursuant to this subchapter.

4. Certification No. 4. Competitive games wherein several players upon payment of fee are permitted to compete against each other for a prize to be awarded to the player who first achieves the required result, generally known as Bowlo Game, Fascination Game, Greyhound Game, Skilo Game, Throw Fascination Game, and Water Gun Game, and such similar games as may from time to time be certified pursuant to this subchapter. A Stop and Go Game type of installation, as set forth in (a)5 below (Certification No. 5), and subject to the same requirements, limitations and restrictions contained in (a)5 below, may be utilized in the conduct of such games.

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- i. Only one of the above games may be licensed under one license.
- ii. There is no restriction on the number of units that may comprise the game.

5. Certification No. 5. A game incorporating:

- i. A laydown board marked in segments bearing numbers, names or symbols whereon the player or players place the entry fee as an indication of choice of expected winner;
- ii. Electrical push-button switches or similar devices approved by the Commission at each segment on the board which enable any player to start or deactivate the game;
- iii. A moving indicator powered and driven by an electric motor which may be activated and deactivated by any player by means of the switches provided; and
- iv. An arrangement of numbers, names or symbols, corresponding to those on the laydown board to one of which the moving indicator points when it stops after exhausting its momentum following deactivation of the motor, generally known as Stop and Go Game; provided however, the mechanism may not incorporate any clutch, brake or timing device except a timing device which renders all of the stop switches inoperative for a short period of time after any starting switch is activated, nor may the electric motor be activated or deactivated by anyone other than a player or players.

6. Certification No. 6. Guessing games wherein in a single player upon payment of fee is entitled to win a prize in the event that the operator is unable to guess, within announced limits, the weight or age of the player, generally known as Guess Your Weight Game and

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Guess Your Age Game.

7. Certification No. 7. A game wherein a single player upon payment of fee is entitled to win a prize in the event that within a permitted number of tries he rings a bell or gong a required number of times by striking with a maul one end of a horizontal level arm the other end of which propels a weight upward along a vertical wire at the top of which the bell or gong is located, generally known as Ring The Bell Game or High Striker Game; provided however, only one unit may be licensed under one license.

8. Certification No. 8. Miscellaneous skill games wherein a single player upon payment of a fee is entitled to use a physical skill to attain a predetermined goal for which a prize is awarded, generally known as Log Roll and Rope Climb, and such similar games as may from time to time be certified pursuant to this subchapter.

9. Certification No. 9. A game of chance incorporating a laydown board marked in segments bearing numbers, names or symbols whereon the player or players place the entry fee as an indication of the choice of expected winner, which is determined by a nonelectrical and nonmechanical device, set in motion by a player or players, coming to rest, generally known as Pan Game, Crazy Ball and Crazy Block.

i. Only one of the above games may be licensed under one license.

SUBCHAPTER 8. (RESERVED)